



California Air Resources Board Workshop

Enforcement Program Overview

October 12, 2009

1:00 to 5:00 p.m.

**1001 I Street
Sacramento, California 95814
Byron Sher Auditorium, Second Floor**



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Workshop Purpose

ARB is interested in exploring ways to:

- Achieve higher levels of compliance
- Expedite settlements
- Prioritize actions
- Eliminate economic advantage from violations
- Ensure consistent enforcement results
- Serve environmental justice communities
- Encourage voluntary compliance
- Communicate the goals of the enforcement program

ARB is also interested in discussing:

- Strict liability for violations
- Model penalty policies
- Ways to increase opportunities for public access, outreach, compliance assistance, and training





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Workshop Agenda

- **ARB presentation**
- **Public comments, questions**
 - Please sign in at the entry to the auditorium and fill out a speaker card if you would like to testify
 - Please line up to speak at the podium when your name is called
 - Please state your name and affiliation so that the court reporter can include these in the record
 - Webcast viewers – if you would like to ask a question or make a comment during this period, please send an e-mail to:
auditorium@calepa.ca.gov



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Enforcement Program Mission Statement

“The Enforcement Division seeks to protect the environment and public health and provide safe, clean air to all Californians by reducing emissions of air contaminants through the fair, consistent and comprehensive enforcement of air pollution laws, and by providing training and compliance assistance.”





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Enforcement Goals

- Obtain immediate compliance
- Achieve a level playing field
- Create deterrence



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Obtain Immediate Compliance

- Cannot capture lost emissions
- Air pollution standards: health-based



Achieve Level Playing Field

- Fairness to those who have complied
- Consistent enforcement is key to program integrity
- Similar penalties for similar violations
- Taking financial hardship into account



Create Deterrence

- Conduct frequent, unannounced inspections
- Assess appropriate penalties



Role of Penalties

Sufficient assessment to:

- Achieve compliance
- Deter repeat violations
- Deter violations by others
- Offset economic benefit to violator
- Level the playing field for those who comply
- Account for harm to human health and the environment, where present



Penalty Assessments

The statutes ARB enforces vary, but we consider all relevant circumstances, often including :

- Extent of harm
- Nature and persistence of violation
- Length of time
- Frequency of past violations
- Preventive efforts taken by violator
- Record of maintenance
- Innovative nature of equipment (proven or unproven)
- Mitigation efforts
- Cooperation during investigation
- Financial hardship



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Additional Considerations

- Strict liability
- Administrative hearing process



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Steps in Enforcing ARB's Regulations

ARB:

- Adopts enforceable regulations
- Initiates public outreach and compliance assistance programs
- Develops regulation-specific enforcement programs
- Conducts field inspections/audits
- Detects violations
- Brings violators into compliance
- Develops and resolves enforcement cases, including penalty assessment



Enforcement Program Structure

- **Mobile Source Enforcement**
 - Heavy-duty diesel
 - General mobile source
- **Stationary Source Enforcement**
 - Fuels
 - Consumer products
 - Greenhouse gas
 - Special investigations and air district assistance
- **Training and Compliance Assistance**



Mobile Source Enforcement

- **Heavy-duty diesel enforcement**
 - Off-road
 - On-road
- **General mobile source enforcement**
 - 49-state vehicles
 - Small off-road engines
 - Aftermarket parts
 - Gray market vehicles
 - Illegal imports





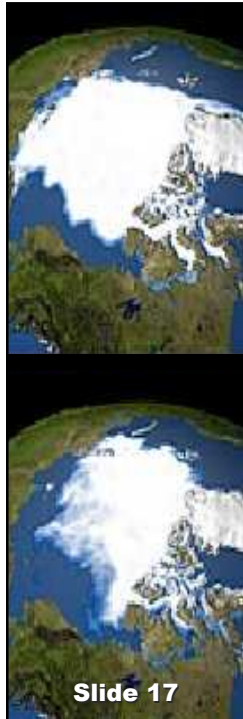
Fuels Enforcement

- **Phase 3 California Reformulated Gasoline**
- **Cargo tank vapor recovery certification**
- **Inspections of gasoline and diesel fuels**
 - Refineries
 - Import vessels
 - Distribution and storage facilities
 - Service stations
 - Bulk facilities
- **Mobile fuels laboratory**



Consumer Products Enforcement

- **Household cleaning products**
- **Personal care products**
- **Automotive chemicals**
- **Household pesticides**
- **Aerosol coatings**
- **Portable fuel containers**



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Developing a Greenhouse Gas Program

- Ensure enforceability of GHG regulations
- “Cap-and-Trade” program



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Special Investigations/ Air District Assistance

- Special & joint multi-media investigations
- Inspection and investigation assistance to air districts
- Goods movement enforcement
- Asbestos investigations
- Complaint investigations
- Variance program
- Enforcement in environmental justice communities



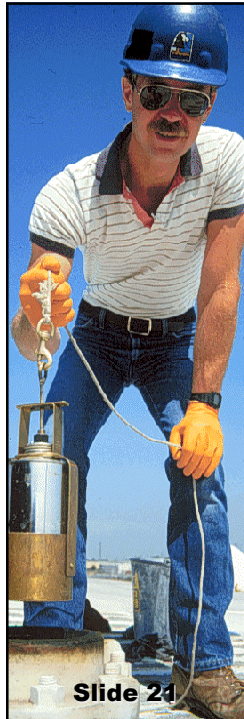
Training/Compliance Assistance

- **Technical training for air pollution control professionals**
 - Stationary sources
 - Mobile sources
- **Compliance assistance to regulated industries**
- **Courses webcast for expanded accessibility**



Publish Results of Enforcement Actions

- **Inform the public**
- **Inform regulated community**
- **Inform potential violators**



2008 Enforcement Highlights

- 2,600 cases/citations resolved
- \$12 million in penalties collected (two large stationary source cases resolved for \$6 million, total)
- \$2.6 million of penalties provided funding for diesel technology education, financing for diesel retrofits, and other environmental improvement projects
- 145 diesel fleet/exhaust retrofit cases resolved
- 10,300 vehicle inspections conducted in environmental justice areas
- 36 cargo tank cases resolved
- 35 consumer products cases resolved
- 32 locomotive violations resolved



Contact Us:

General enforcement telephone: 916-322-7061

Complaint hotline: 800-952-5588

Enforcement main web site:

<http://www.arb.ca.gov/enf/enf.htm>

To file a confidential complaint on line:

<http://www.arb.ca.gov/enf/complaints/complaints.htm>





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